

TNP solution's impacts on cost, operational systems and implementation frameworks.

III. UPON RECEIPT OF THE ATIS RECOMMENDATION, THE COMMISSION SHOULD ISSUE A FURTHER NOTICE OF PROPOSED RULEMAKING SEEKING COMMENT ON THE LONG TERM SOLUTION AND RELATED ISSUES.

Following the industry's report to the Commission on a proposal for a permanent solution, the Commission should analyze the proposal in light of the policy principles enunciated in its Report and Order and publish its tentative conclusions as well as a further notice of proposed rulemaking seeking public comment on the permanent solution. The Commission should also seek comment on a number of issues related to the proposed permanent solution; specifically, cost recovery, implementation framework, and the impact of the portability solution on operational systems as developed by ATIS.

IV. THE RECORD DOES NOT SHOW THAT THERE IS A DEMAND FOR PORTABILITY OF NON-GEOGRAPHIC NUMBERS

Portability of non-geographic numbers should not be mandated at this time. Commenters in support of non-geographic portability provided no evidence in the record to justify mandating such a requirement. On the other hand, commenters opposed to such portability demonstrate conclusively that there is little, if any, demand existing

for such services.<sup>31</sup> The Commission's main goal at this time should be to facilitate the development of a uniform national solution for the portability of geographic telephone numbers, given the competitive demand for service provider portability and the technical deficiencies of current interim solutions.<sup>32</sup>

V. THE COMMISSION SHOULD REJECT EFFORTS TO LINK LEC DEPLOYMENT OF NUMBER PORTABILITY SOLUTIONS TO ISSUES RAISED IN OTHER LEGISLATIVE AND REGULATORY PROCEEDINGS

Some commenters argue that LEC provision of a full portability solution should be a condition precedent to LEC participation in interLATA competition or to LEC eligibility for pricing flexibility.<sup>33</sup> Such arguments are misplaced, and betray a true intention to leverage this proceeding in order to handicap competition in local and interstate markets. Congress is currently considering what role local service provider portability should have in the context of

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<sup>31</sup> Ameritech Comments at 14; Sprint Comments at 19-20; USTA Comments at 3.

<sup>32</sup> As BellSouth noted in its comments, the 900 market does not support a portability capability and the 500 market must be allowed to mature before the appropriateness of TNP can be determined. BellSouth Comments at 16-19.

<sup>33</sup> See, e.g., Sprint Comments at 19; Time Warner Comments at 4, 15. Likewise, the appropriate fora for Time Warner to advance its pricing flexibility argument are the Commission's ongoing price cap proceedings, CC Docket Nos. 94-1, 93-124 and 93-197.

LEC participation in interexchange competition.<sup>34</sup> Until the Commission determines the feasibility and desirability of requiring LECs to implement local number portability in this proceeding, it is premature for the Commission to entertain any proposal to limit LEC eligibility for pricing flexibility or interLATA relief.

#### CONCLUSION

The Commission should issue a Report and Order in this proceeding in which it adopts a set of broad federal principles, along the lines set forth herein, in order to guide the states and the industry in their consideration of number portability issues. The Commission should further direct the industry to develop a specific recommendation to the Commission within twelve months of the Report and Order

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<sup>34</sup> H.R. 1555, 104th Cong., 1st Sess. § 243(b)(4); S.652, 104th Cong. 1st Sess. §223(K).

to be published for notice and comment in the context of a further notice of proposed rulemaking.


Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this 12th day of October, 1995 served all parties to this action with a copy of the foregoing **REPLY COMMENTS** by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties listed below.

  
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